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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/708,414	03/02/2004	Anthony Lo		2413

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EXAMINER

CHANG, AUDREY Y

ART UNIT PAPER NUMBER

2872

DATE MAILED: 04/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/708,414

Applicant(s)

LO, ANTHONY

Examiner

Audrey Y. Chang

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. **Claims 4-8 are rejected under 35 U.S.C. 112, first paragraph**, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The specification and the claims fail to teach how could a *collapsible* and *erectable* viewing chamber having just front, rear, top and bottom planar walls, which essentially is just a box that is capable of *stereoscopic viewer*. A box will not be able to provide stereoscopic viewing.

Claim Objections

3. **Claims 3 and 7-8 are objected to because of the following informalities:**

(1). The phrase “the placement of the mask on the same surface as the picture frame” recited in claim 3 is confusing and indefinite since the terms “the mask” and “the picture frame” each lacks proper antecedent basis from the based claim. The phrase “the front and rear panels” recited in claim 3 is also indefinite since it also lacks proper antecedent basis from its based claim. *The scopes of the claim are completely unclear.*

(2). The phrase “the left and right side walls” recited in claim 7 is confusing and indefinite since it lacks proper antecedent basis from its based claim.

(3). The phrase “buckled panel” recited in claim 8 is confusing and indefinite since it is not clear what is considered to be this panel.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. **Claims 1-2 rejected under 35 U.S.C. 102(b) as being anticipated by the patent issued to Kassawat (PN. 5,940,210).**

Kassawat teaches a *collapsible stereoscopic viewer* (10, Figure 1), for viewing *stereo images* placed at an *image plane* (40, Figure 1), that is located *outside* the viewer wherein the viewer comprises a *collapsible and erectable housing* (11) that serves as the collapsible and erectable viewer *chamber* wherein the housing or the chamber is comprised of lens supports (60 and 70) serve as the *viewing panel* having a *pair of lenses* (63 and 73) and *front walls* (80 and 90) serve as the *aperture panel* having a pair of *apertures* (82 and 92) and a *pair of inner walls* (16 and 17) or a *mask* formed into the aperture panel that serves *septum* that the light rays from the right and left image of the stereo images are directed to the right and left eyes *respectively* to create a stereoscopic vision of the images.

This reference therefore anticipated the claims.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over the patent issued to Kassawat.**

The collapsible stereoscopic viewer taught by **Kassawat** as described for claim 1 above has met all the limitations of the claim. The viewer is collapsible, (Figures 3 and 4). The scopes of the claim 3 however are not well defined for the reasons stated above and therefore it cannot be further examined.

8. **Claims 4-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over the patent issued to Rice (PN. 4,846,553).**

Rice teaches a *foldable* and *collapsible* viewer that is suitable for *stereoscopic viewing* wherein the viewer is comprised of *front wall* (82, Figure 5), *rear wall* (110), *top wall* (126) and a *bottom wall* (104), which are all of planar walls and are continuously joined and the viewer further comprises *left walls* (96 and 112) and *right walls* (100 and 122) that are joined to front and rear walls but not to top and bottom walls. Rice teaches to have *toggle tabs* formed on the left and right edges of the left walls and therefore the front and rear walls for engaging the walls together to form a viewer chamber, (please see Figures 1-4). However this reference does not teach explicitly that the tabs are formed at the top and bottom walls. But such modifications are considered to be obvious design choice to one skilled in the art since this modification only involves moving the tabs to the top and bottom walls which essentially just changes the manner of joining of the different walls to form the chamber which does not change the function of the chamber at all. One skilled in the art would certainly be able to modify such design so that the chamber is joined in a different manner for the benefit to fit the desire of the user.

With regard to claims 5-8, Rice teaches that the walls are folded to form framing panel and lens panel, (please see Figures 1-4). The toggle tabs are used to lock the chamber in the erected positions and

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the left and right side walls form a seal for preventing the stray light from entering the viewing chamber.

The viewing chamber can be fully flattened in a collapsed state.

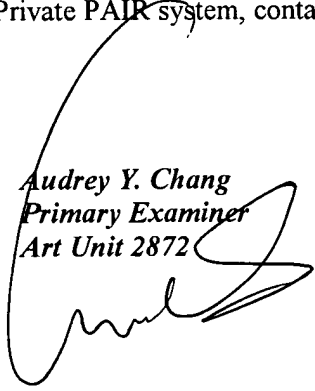
Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Audrey Y. Chang whose telephone number is 571-272-2309. The examiner can normally be reached on Monday-Friday (8:00-4:30), alternative Mondays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Dunn can be reached on 571-272-2312. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Audrey Y. Chang
Primary Examiner
Art Unit 2872



A. Chang, Ph.D.